



House of Representatives

General Assembly

File No. 55

January Session, 2001

Substitute House Bill No. 5310

House of Representatives, March 26, 2001

The Committee on Judiciary reported through REP. LAWLOR of the 99th Dist., Chairperson of the Committee on the part of the House, that the substitute bill ought to pass.

AN ACT CONCERNING POSSESSION OF EDGED WEAPONS AT SCHOOL.

Be it enacted by the Senate and House of Representatives in General Assembly convened:

1 (NEW) (a) As used in this section, "edged weapon" means any knife,
2 razor or cutting instrument, the edged portion of the blade of which is
3 under four inches in length.

4 (b) Any local or regional board of education and any nonpublic
5 elementary or secondary school may prohibit the possession by
6 students of edged weapons while on school grounds or at a school-
7 sponsored activity. Any such board or nonpublic school that prohibits
8 the possession of edged weapons may compile a list of the specific
9 edged weapons that are prohibited and post, publish or otherwise
10 notify the students of such list.

11 (c) If a local or regional board of education or nonpublic elementary
12 or secondary school has compiled a list in accordance with subsection

13 (b) of this section of specific edged weapons that are prohibited on
14 school grounds or at a school-sponsored activity, and has posted,
15 published or otherwise notified the students of such list, any student
16 who, knowing that he or she is not licensed or privileged to do so,
17 possesses on school grounds or at a school-sponsored activity any
18 edged weapon on such list shall be fined not more than five hundred
19 dollars or imprisoned not more than three months, or both.

20 (d) The provisions of subsection (c) of this section shall not apply to
21 the otherwise lawful possession of an edged weapon by a student for
22 use in a program approved by school officials on school grounds or at
23 a school-sponsored activity.

JUD **JOINT FAVORABLE SUBST.**

The following fiscal impact statement and bill analysis are prepared for the benefit of members of the General Assembly, solely for the purpose of information, summarization, and explanation, and do not represent the intent of the General Assembly or either House thereof for any purpose:

OFA Fiscal Note

State Impact: Minimal Cost

Affected Agencies: Various Criminal Justice Agencies

Municipal Impact: None

Explanation**State Impact:**

The bill could result in a minimal cost to the criminal justice system, depending on the extent to which offenses occur under the bill. Currently, it is already illegal to carry a switchblade or gravity knife on school grounds (subject to one to five years imprisonment and up to a \$5,000 fine) and it is illegal to carry anywhere certain types of knives including any knife which has a blade that is four or more inches in length (subject to up to three years imprisonment and up to a \$500 fine). The bill makes it illegal to carry any edged weapon on school grounds or at school activities and establishes a penalty of up to three months imprisonment and up to a \$500 fine for such offenses.

The extent to which offenses under the bill may occur in the future is unknown but is not anticipated to be significant. During 2000, there were 24 offenses involving carrying a weapon on school grounds with 2 individuals incarcerated for some period of time. The number of these offenses that involved edged-weapons is unknown. A three-month period of incarceration costs about \$6,500. It is unlikely that a

single offense under the bill would result in incarceration. However, if an offense under the bill were to occur in conjunction with other offenses, the existence of the bill's penalties could result in a lengthening of any final sentence.

The bill is not expected to result in a revenue gain from fines since such fines are rarely imposed.

OLR Bill Analysis

sHB 5310

AN ACT CONCERNING POSSESSION OF EDGED WEAPONS AT SCHOOL.**SUMMARY:**

This bill makes it a crime for students at public or private schools to possess edged weapons on school grounds or at school-sponsored activities if the local or regional board of education or private school (1) has a policy prohibiting possession and (2) publicizes a list of the prohibited weapons. An "edged weapon" is a knife, razor, or cutting instrument with a blade of four inches or less.

Under current law, school boards and private schools have broad authority to adopt school policies, including the authority to provide a safe school setting. Presumably, these policies could include a prohibition against weapons on school grounds and at school-sponsored activities. Students who violate the publicized policies at a public school may be suspended or expelled, depending on the circumstances. Private schools set their own disciplinary policies.

Current law also makes it a crime for (1) students to possess dangerous weapons and firearms while on school grounds or attending school-sponsored activities and (2) anyone to carry certain deadly weapons, including certain knives.

EFFECTIVE DATE: October 1, 2001

PENALTY FOR POSSESSING WEAPON IN VIOLATION OF SCHOOL POLICY

With one exception, the bill subjects any student who violates the possession policy of any board or school with a list to up to three months imprisonment, a \$500 fine, or both. To be subject to the penalty, the student must know that he is not licensed or privileged to possess the weapon. A student who lawfully possesses a weapon on

the list for use at a school-approved program held on school grounds or at a school-sponsored activity is not subject to the penalty.

BACKGROUND

Possession of Deadly Weapons or Firearms on School Grounds

With several exceptions, anyone who possesses a firearm or deadly weapon on school grounds or at school-sponsored activities is guilty of a class D felony, punishable by up to five years imprisonment, a \$2,000 fine, or both. A “deadly weapon” means a weapon that can fire a shot, or a switchblade knife, gravity knife, billy, blackjack, bludgeon, or metal knuckles. The law does not apply to the lawful possession of a firearm by (1) people for use in a school-approved program held on school property; (2) people pursuant to an agreement with school officials; (3) peace officers engaged in the lawful performance of their duties; or (4) people crossing school grounds to get to land open for hunting, but the weapon must be unloaded and the school board must permit the crossing.

Illegal for Most People to Carry Certain Knives

It is an unclassified felony for most people to carry a dirk knife, switch knife, stiletto, automatic spring knife with a blade over one and one-half inches, or a knife with a blade edge of four or more inches.

The law does not apply to peace officers performing their duties. The crime of carrying knives with blades of four inches or more does not apply to (1) members of the armed forces; (2) military organization members who are on parade or traveling to or from a place of assembly; (3) people traveling to or from a knife show or repair shop; (4) people with valid hunting, fishing, or trapping licenses; (5) people participating in authorized historic enactments; or (6) people moving household items from their home.

Illegal carrying is punishable by up to three years imprisonment, a \$500 fine, or both.

School Suspension and Expulsion

A public school student may be suspended or expelled for violating a school board's publicized policy, being seriously disruptive, or endangering people or property. Except in an emergency, students cannot be suspended unless school administrators hold at least an informal hearing at which students are informed of the reason for the suspension and given an opportunity to be heard. Students cannot be expelled without a formal hearing and majority vote of the school board members in attendance at the hearing.

COMMITTEE ACTION

Judiciary Committee

Joint Favorable Substitute

Yea 32 Nay 6